

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Final

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: MarkWest Energy Appalachia, LLC
Mailing Address: PO Box 575, Route 23, South Shore, KY 41175

Source Name: MarkWest Energy Appalachia, LLC
Mailing Address: PO Box 575, Route 23
South Shore, KY 41175

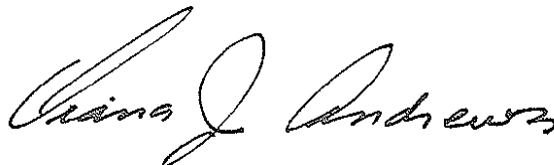
Source Location: MarkWest Energy Appalachia, -Siloam Facility

Permit ID: F-05-011 R1
Agency Interest #: 1600
Activity ID: APE20070002
Review Type: Administrative Amendment, Conditional Major,
Operating
Source ID: 21-089-00005

Regional Office: Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102
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County: Greenup

Application
Complete Date: May 9, 2004
Issuance Date: September 8, 2006
Revision Date: September 11, 2007
Expiration Date: September 8, 2011



**John S. Lyons, Director
Division for Air Quality**

TABLE OF CONTENTS

SECTION	ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	Admin Amend.	1
B. EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS		2
C. INSIGNIFICANT ACTIVITIES		19
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS		21
E. SOURCE CONTROL EQUIPMENT REQUIREMENTS		23
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS		24
G. GENERAL PROVISIONS		27
H. ALTERNATE OPERATING SCENARIOS		33
I. COMPLIANCE SCHEDULE		33

	Permit type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
F-00-041	Initial Issuance		10/5/00	May 5, 2000	Initial Construction Permit
F-05-068	Renewal	37590	12/8/2005	---	Permit Renewal
F-05-011R1	Revision	APE20070001	6/23/07	8/8/07	Minor Revision
F-05-011R1	Admin Amend	APE20070002		9/5/07	Administrative Amendment

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Point Description:

EP 01 Boiler #1

Model: Henry Vogt VV-27

Construction Date: 1958

Fuel Input: 43.6 mmBtu/hr

Primary Fuel: Natural Gas (Only fuel used in this emission unit)

EP 02 Boiler #2

Model: Henry Vogt VV-27

Construction Date: 1960

Fuel Input: 43.6 mmBtu/hr

Primary Fuel: Natural Gas

Secondary Fuel: Propane

APPLICABLE REGULATIONS:

401 KAR 61:015 – *Existing indirect heat exchangers*, which applies to emission units with a capacity of 250 mmBtu/hr heat input or less constructed before April 1972.

1. Operating Limitations:

None.

2. Emission Limitations:

- a. Pursuant to 401 KAR 61:015, Section 4(1) and Appendix A, emissions of particulate matter from the combustion of natural gas/propane shall not exceed 0.3362 lb/mmBtu, based on a three-hour average.
- b. Pursuant to 401 KAR 61:015, Section 4(2), emissions from the combustion of natural gas/propane shall not exceed twenty (20) percent opacity, except that a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes during the fire box soot blowing and except for emissions during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Pursuant to 401 KAR 61:015, Section 5(1) and Appendix B, emissions of sulfur dioxide from the combustion of natural gas/propane shall not exceed 4.5668 lb/mmBtu, based on a twenty-four-hour average.

Compliance Demonstration Method:

Compliance with the particulate matter, opacity, and sulfur dioxide limits is demonstrated while burning natural gas or propane.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

Pursuant to 401 KAR 61:005 Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

None

5. Specific Record Keeping Requirements:

None

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point Description:

EP 04 Fugitive Emissions

Fractionation Towers (T-1100, T-501, T-502, T-503, T-504, T-505, T-551, T-552)

Valves (approx. 2399 count)

Pumps Seals (approx. 38 count)

Compressor Seals (approx. 2 count)

Pressure Relief Devices (approx. 75 count)

Connectors (approx. 6494 count)

Construction Date: December 1958

APPLICABLE REGULATIONS:

401 KAR 60:005 incorporating by reference 40 CFR 60.630 to 60.636, Subpart VV, *Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry*.

401 KAR 60:005 incorporating by reference 40 CFR 60.480 to 60.489, Subpart KKK, *Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants*.

1. Operating Limitations:

In accordance with 40 CFR 60.632, *Standards*, the permittee shall comply as follows:

- a. The permittee shall comply with the requirements of 40 CFR 60.482-1(a), (b), and (d) and 40 CFR 482-2 through 60.482-10, except as provided in 40 CFR 60.633.
- b. The permittee may elect to comply with the requirements of 40 CFR 60.483-1 and 483-2.
- c. The permittee may apply to the Division for permission to use an alternative means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to that achieved by the controls required in 40 CFR 60, Subpart KKK. In doing so, the owner or operator shall comply with requirements of 40 CFR 60.634.
- d. The permittee shall comply with the provisions of 40 CFR 60.485, except as provided in 40 CFR 60.633(f).
- e. The permittee shall comply with the provisions of 40 CFR 60.486 and 60.487, except as provided in 40 CFR 60.633, 60.635, and 60.636.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- f. The permittee shall use the following provision instead of 40 CFR 60.485(d)(1): Each piece of equipment is presumed to be in VOC service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VOC service or in wet gas service. For a piece of equipment to be considered not in VOC service, it must be determined that the VOC content can be reasonably expected never to exceed 10.0 percent by weight. For a piece of equipment to be considered in wet gas service, it must be determined that it contains or contacts the field gas before the extraction step in the process. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a piece of equipment, procedures that conform to the methods described in ASTM E169–63, 77, or 93, E168–67, 77, or 92, or E260–73, 91, or 96 (incorporated by reference as specified in 40 CFR 60.17) shall be used.

Compliance Demonstration Method:

The permittee shall demonstrate compliance in accordance with **3. Testing Requirements**, **4. Specific Monitoring Requirements**, **5. Specific Record Keeping Requirements** and **6. Specific Reporting Requirements** below, except that the permittee may comply with the following exceptions to the provisions of 40 CFR 60, Subpart VV:

- a. Each pressure relief device in gas/vapor service may be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in 40 CFR 60.485(b), except as provided in **1.c Operating Limitations**, paragraph (iii) below, and 40 CFR 60.482–4 (a) through (c) of Subpart VV. [40 CFR 60.633(b)(1)]
- i. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected. [40 CFR 60.633(b)(2)]
- ii. When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in 40 CFR 60.482–9. A first attempt at repair shall be made no later than 5 calendar days after each leak is detected. [40 CFR 60.633(b)(3)(i) and (ii)]
- iii. Any pressure relief device that is located in a nonfractionating plant that is monitored only by nonplant personnel may be monitored after a pressure release the next time the monitoring personnel are on site, instead of within 5 days as specified in paragraph (a) above and 40 CFR 60.482–4(b)(1) of Subpart VV. No pressure relief device described in this paragraph shall be allowed to operate for more than 30 days after a pressure release without monitoring. [40 CFR 60.633(b)(4)(i) and (ii)]
- b. Sampling connection systems are exempt from the requirements of 40 CFR 60.482–5. [40 CFR 60.633(c)]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at a nonfractionating plant that does not have the design capacity to process 283,200 standard cubic meters per day (scmd) (10 million standard cubic feet per day) or more of field gas are exempt from the routine monitoring requirements of 40 CFR 60.482–2(a)(1) and 60.482–7(a), and 40 CFR 60.633(b)(1), i.e., paragraph (a) of this section. [40 CFR 60.633(d)]
- d. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service within a process unit that is located in the Alaskan North Slope are exempt from the routine monitoring requirements of 40 CFR 60.482–2(a)(1), 60.482–7(a), and 40 CFR 60.633(b)(1), i.e., paragraph (a) of this section. [40 CFR 60.633(e)]
- e. Reciprocating compressors in wet gas service are exempt from the compressor control requirements of 40 CFR 60.482–3. [40 CFR 60.633(f)]
- f. Flares used to comply with this subpart shall comply with the requirements of 40 CFR 60.18. [40 CFR 60.633(g)]
- g. The permittee may use the following provisions instead of 40 CFR 60.485(e): [40 CFR 60.633(h)]
 - i. Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150 °C (302 °F) as determined by ASTM Method D86–78, 82, 90, 95, or 96 (incorporated by reference as specified in 40 CFR 60.17).
 - ii. Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150°C (302°F) as determined by ASTM Method D86–78, 82, 90, 95, or 96 (incorporated by reference as specified in 40 CFR 60.17).

2. Emission Limitations:

See **Section D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

Compliance Demonstration Method:

See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method*.**

3. Testing Requirements:

Testing shall be done in accordance with the procedures given in 40 CFR 60 Subpart VV, Section 60.485, to demonstrate compliance with **1. Operating Limitations** and 40 CFR 60 Subpart KKK, Section 60.632, *Standards*, and the applicable provisions of 40 CFR 60 Subpart VV, Section 60.482-1 through 10, *Standards*, and/or Section 60.483-1 and 2, *Alternative Standards*.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**4. Specific Monitoring Requirements:**

Monitoring shall be done in accordance with the schedule and procedures given in 40 CFR 60 Subpart KKK, Section 60.632, *Standards*, and 40 CFR 60 Subpart VV, Section 60.482-1 through 10, *Standards*, and/or Section 60.483-1 and 2, *Alternative Standards*.

5. Specific Record Keeping Requirements:

- a. The permittee shall comply with the requirements of paragraphs (b) and (c) below, in addition to the requirements of 40 CFR 60.486. [40 CFR 60.635(a)]
- b. The following recordkeeping requirements shall apply to pressure relief devices subject to the requirements of 40 CFR 60.633(b)(1) of Subpart KKK, and as specified at **1. Operating Limitations, *Compliance Demonstration Method***, paragraph (a). [40 CFR 60.635(b)]
 - (1) When each leak is detected as specified in 40 CFR 60.633(b)(2), a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment. The identification on the pressure relief device may be removed after it has been repaired.
 - (2) When each leak is detected as specified in 40 CFR 60.633(b)(2), the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:
 - (i) The instrument and operator identification numbers and the equipment identification number.
 - (ii) The date the leak was detected and the dates of each attempt to repair the leak.
 - (iii) Repair methods applied in each attempt to repair the leak.
 - (iv) "Above 10,000 ppm" if the maximum instrument reading measured by the methods specified in paragraph (a) of 40 CFR 60 Subpart KKK after each repair attempt is 10,000 ppm or greater.
 - (v) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - (vi) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
 - (vii) The expected date of successful repair of the leak if a leak is not repaired within 15 days.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- (viii) Dates of process unit shutdowns that occur while the equipment is unrepaired.
 - (ix) The date of successful repair of the leak.
 - (x) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of 40 CFR 60.482–4(a). The designation of equipment subject to the provisions of 40 CFR 60.482–4(a) shall be signed by the owner or operator.
- c. The permittee shall comply with the following requirement in addition to the requirement of 40 CFR 60.486(j): Information and data used to demonstrate that a reciprocating compressor is in wet gas service to apply for the exemption in 40 CFR 60.633(f) shall be recorded in a log that is kept in a readily accessible location. [40 CFR 60.635(c)]

6. Specific Reporting Requirements:

- a. The permittee shall comply with the requirements of paragraphs (b) and (c) below, in addition to the requirements of 40 CFR 60.487. [40 CFR 60.636(a)]
- b. The permittee shall include the following information in the initial semiannual report in addition to the information required in 40 CFR 60.487(b) (1)—(4): Number of pressure relief devices subject to the requirements of 40 CFR 60.633(b) except for those pressure relief devices designated for no detectable emissions under the provisions of 40 CFR 60.482–4(a) and those pressure relief devices complying with 40 CFR 60.482–4(c). [40 CFR 60.636(b)]
- c. The permittee shall include the following information in all semiannual reports in addition to the information required in 40 CFR 60.487(c)(2) (i) through (vi): [40 CFR 60.636(c)]
 - (1) Number of pressure relief devices for which leaks were detected as required in 40 CFR 60.633(b)(2) and
 - (2) Number of pressure relief devices for which leaks were not repaired as required in 40 CFR 60.633(b)(3).
- d. See Reporting Requirements in **Section G**.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point Description:

EP 05 Flare Natural Gas Pilot

Efficiency: 98%

Model No. UFA 48/18, Air Assisted Tip

Manufacturer: Zeeco

Installed: 1992

Description: The plant flare is used to burn hydrocarbon streams from EP 07 (Railcar Loading), EP 08 (Tank Truck Loading), EP 09 (Vessel SV-502, with direct connection to Vessels SV-503, SV-504, SV-505 and SV-506), and EP 10 (Vessel YD-29).

APPLICABLE REGULATIONS:

401 KAR 63:015, *Flares*

40 CFR 60.18, *General Control Device Requirements*

1. Operating Limitations:

a. In accordance with 40 CFR 60.18(e), the permittee shall operate the flare at all times when emissions may be vented to the flare.

b. Refer to **Subsection 7. Specific Control Equipment Operating Conditions.**

Compliance Demonstration Method:

Refer to **Subsection 7. Specific Control Equipment Operating Conditions, *Compliance Demonstration Method.***

2. Emission Limitations:

In accordance with 401 KAR 63:015 Section 3, particulate emissions from flare shall not exceed 20% opacity for more than three (3) minutes in any one (1) day.

Compliance Demonstration Method:

See **3. Testing Requirements**, and **4. Specific Monitoring Requirements.**

3. Testing Requirements:

Refer to **Subsection 7. Specific Control Equipment Operating Conditions, *Compliance Demonstration Method***, paragraph a. The visible emission tests shall be conducted quarterly.

4. Specific Monitoring Requirements:

Refer to **Subsection 7. Specific Control Equipment Operating Conditions.**

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**5. Specific Record Keeping Requirements:**

- a. The permittee shall maintain written records of all routine and non-routine maintenance activities performed at the flare.
- b. Refer to **Subsection 7. Specific Control Equipment Operating Conditions.**

6. Specific Reporting Requirements:

See Reporting Requirements in **Section G.**

7. Specific Control Equipment Operating Conditions:

- a. In accordance with 40 CFR 60.18(c)(1) the flare shall be designed and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- b. In accordance with 40 CFR 60.18(c)(2) the flare shall be operated with a flame present at all times, as determined in accordance with ***Compliance Demonstration Method*** below.
- c. In accordance with 40 CFR 60.18(c)(3)(ii), the flare shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater. The net heating value of the gas being combusted shall be determined by the methods specified in ***Compliance Demonstration Method*** below.
- d. In accordance with 40 CFR 60.18(c)(5), the air assisted flare shall be designed and operated with an exit velocity less than the velocity, V_{\max} , as determined by the ***Compliance Demonstration Method*** below.

Compliance Demonstration Method:

- a. Method 22 of 40CFR 60 Appendix A shall be used to determine the compliance of the flare with 40 CFR 60.18(c)(1). The observation period is 2 hours and shall be used in accordance with Method 22. [40 CFR 60.18(f)(1)]
- b. The presence of the flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. [40 CFR 60.18(f)(2)]
- c. The net heating value of the gas being combusted in a flare shall be calculated using the following equation: [40 CFR 60.18(f)(3)]

$$H_T = K \sum_{i=1}^n C_i H_i$$

Where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off gas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

$$K = \text{Constant}, 1.40 \times 10^{-7} \left(\frac{1}{\text{ppm}} \right) \left(\frac{\text{g mole}}{\text{scm}} \right) \left(\frac{\text{MJ}}{\text{kcal}} \right)$$

Where the standard temperature for $\left(\frac{\text{g mole}}{\text{scm}} \right)$ is 20°C;

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946–77 or 90 (Re-approved 1994) (Incorporated by reference as specified in 40 CFR 60.17); and

H_i = Net heat of combustion of sample component i, kcal/g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 (incorporated by reference as specified in 40 CFR 60.17) if published values are not available or cannot be calculated.

- d. The actual exit velocity of a flare shall be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip. [40 CFR 60.18(f)(4)]
- e. The maximum permitted velocity shall be determined using the following equation: [40 CFR 60.18(f)(6)]

$$V_{\max} = 8.706 + 0.7084 (H_T)$$

Where:

V_{max} = Maximum permitted velocity, m/sec

8.706 = Constant

0.7084 = Constant

H_T = The net heating value as determined on paragraph c of this condition

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

FACILITY LOADING OPERATIONS

EP 06 Barge Loading

<u>Description:</u>	Construction Date:	1958
	Control Device:	None
	<u>Material</u>	<u>Maximum throughput (gal/year)</u>
	Natural Gasoline	35,973,000
	Iso-Butane	35,973,000
	Normal Butane	35,973,000

EP 07 Railcar Loading

<u>Description:</u>	Construction Date:	1958
	Control Device:	Flare (EP 05) – Efficiency 98%
		Model No. UFA 48/18 Air Assisted Tip
		Manufacturer: Zeeco
		Installed: 1992
	<u>Material</u>	<u>Maximum throughput (gal/year)</u>
	Natural Gasoline	60,283,000
	Iso-Butane	60,283,000
	Propane	60,283,000
	Normal Butane	60,283,000

EP 08 Tank Truck Loading

<u>Description:</u>	Construction Date:	1958
	Control Device:	Flare (EP 05) – Efficiency 98%
		Model No. UFA 48/18 Air Assisted Tip
		Manufacturer: Zeeco
		Installed: 1992
	<u>Material</u>	<u>Maximum throughput (gal/year)</u>
	Natural Gasoline	20,861,322
	Iso-Butane	10,531,203
	Propane	110,189,078
	Normal Butane	31,916,661

APPLICABLE REGULATIONS:

401 KAR 52:030 - *Federally enforceable permits for nonmajor sources.* This applies to sources that accept permit conditions that are legally and practically enforceable to limit their potential to emit (PTE) below the major source thresholds that would make them subject to 401 KAR 52:020.

1. Operating Limitations:

None.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations:

See **Section D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

Compliance Demonstration Method:

See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

3. Testing Requirements:

See **Section B** for Emission Point 05.

4. Specific Monitoring Requirements:

See **Section B** for Emission Point 05. Also, see **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

5. Specific Record Keeping Requirements:

See **Section B** for Emission Point 05. Also, see **Section D.4, Source Record Keeping Requirements**.

6. Specific Reporting Requirements:

See **Section B** for Emission Point 05. Also, see **Section D.5, Source Reporting Requirements**.

7. Specific Control Equipment Operating Conditions:

Railcar and Tank Truck Loading. EP 07 and 08, respectively, shall vent to the Flare at all times during loading operations. Also, see **Section B** for Emission Point 05.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point Description:

EP 09 Vessel SV-502 (Vessels SV-503, SV-504, SV-505 and SV-506, each with a capacity of 30,000 gallons and a maximum operating pressure of 17 psig, venting to and vapor balanced with SV-502.)

Capacity: 442,780 gallons (SV-502)

Material Stored: Natural Gasoline

Construction Date: 1958, Modified 1991 (SV-502)

Construction Date: 1991 (SV-503, 504, 505 and 506)

Control Device: Vapor Recovery Unit Connected to SV-502 - Efficiency 98%

Model No. HBB-50A-7-5-18B

Manufacturer: Hybon

Installed: Approximately 1990

EP 10 Vessel YD-29

Capacity: 840,000 gallons

Material Stored: Natural Gasoline

Construction Date: 1991

Control Device: Flare (EP 05) – Efficiency 98%

Model No. UFA 48/18 Air Assisted Tip

Manufacturer: Zeeco

Installed: 1992

APPLICABLE REGULATIONS:

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.*

1. Operating Limitations:

Pursuant to 40 CFR 60.112b (b)(1), the permittee shall equip each storage vessel with a closed vent system and control device as specified in 40 CFR 60.112b (a)(3) that shall meet the following specifications:

- i. The control device shall be designed to collect all VOC vapors and gases discharged from the storage vessels and operated with no detectable emissions as indicated by instrument reading of less than 500 ppm above background and visual inspections, as determined in 40 CFR 60.485(b).
- ii. The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements 40 CFR 60.18 of the General Provisions.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

See **3. Testing Requirements** and **4. Specific Monitoring Requirements**. Also, see **Section B** for Emission Point 05 (i.e., Flare).

2. Emission Limitations:

See **Section D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

Compliance Demonstration Method:

See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

3. Testing Requirements:

In accordance with 40 CFR 60.113b (d), the permittee shall meet the requirements as specified in the general control device requirements, 40 CFR 60.18 (e) and (f), specified in **Section B** for Emission Point 05 (i.e., Flare).

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:030, Section 10, the permittee shall monitor and maintain records of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

5. Specific Record Keeping Requirements:

- a. Pursuant to 40 CFR 60.116b (b), the permittee shall keep readily accessible records showing the dimensions of each tank and an analysis showing the capacity of the tank. The records shall be kept for the life of the tank.
- b. The permittee shall maintain records in accordance with **4. Specific Monitoring Requirements**.
- c. Also see **Section D.3, Source Record Keeping Requirements**.

6. Specific Reporting Requirements:

- a. Pursuant to 40 CFR 60.115b (d), the owner or operator shall meet the following requirements:
 - i. A report containing the measurements required by 40 CFR 60.18(f) (1), (2), (3), (4), (5) and (6) shall be furnished to the Division as required by 40 CFR 60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.
 - ii. Records shall be kept of all periods of operation during which the flare pilot flame is absent.
 - iii. Semiannual reports of all periods recorded under paragraph (ii) above in which the pilot flame was absent shall be furnished to the Division.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

b. Also see **Section D.3, Source Reporting Requirements.**

7. Specific Control Equipment Operating Conditions:

See requirements under **Section B** for Emission Point 05 (i.e., Flare).

8. Alternate Operating Scenarios:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Storage of liquefied petroleum gas in fixed roof pressurized tanks designed to operate in excess of 204.9 kPa (29.72 psi) with no emissions to the ambient air: SV-100 (60,000 gallons), installed 1991 SV-101 (18,000 gallons), installed 1974 SV-102 (18,000 gallons), installed 1974 SV-103 (30,000 gallons), installed 1988 SV-104 (30,000 gallons), installed 1988 SV-200 (57,707 gallons), installed 1958 SV-201 (57,744 gallons), installed 1958 SV-202 (57,671 gallons), installed 1958 SV-203 (57,754 gallons), installed 1958 SV-204 (59,582 gallons), installed 1982 SV-205 (59,672 gallons), installed 1982 SV-300 (32,133 gallons), installed 1958 SV-301 (32,122 gallons), installed 1958 SV-400 (15,115 gallons), installed 1960 SV-402 (30,000 gallons), installed 1960 SV-403 (42,151 gallons), installed 1991 SV-404 (42,151 gallons), installed 1991 SV-405 (42,151 gallons), installed 1991 SV-406 (210,000 gallons), installed 1991 SV-407 (210,000 gallons), installed 1991 SV-500 (30,618 gallons), installed 1958 SV-501 (259,723 gallons), installed 1958 SV-600 (42,151 gallons), installed 1991 SV-601 (42,151 gallons), installed 1991	None
2. (5) 1000 gallon Ethyl Mercaptan Tanks	None
(1) 500 gallon Ethyl Mercaptan Tank	None
(2) 350 gallon Diesel Fuel Tanks	None
(1) 1000 gallon Used Oil Tank	None
(1) 125 gallon Diesel Tank	None
(1) 30 gallon solvent parts cleaner	None

SECTION C - INSIGNIFICANT ACTIVITIES (continued)

- | | |
|---|------|
| 3. Cooling Tower | None |
| 4. Two Diesel powered Fire Water Pumps (Proposed)
(Detroit 238 Diesels built in 1969, 170 HP, SN# 6A214455 and 6A133471) | None |
| 5. Inbound Truck Unloading of NGL (Proposed) | None |

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Volatile Organic Compounds (VOC) and Hazardous Pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
 - a. To preclude the applicability of 401 KAR 52:020, *Title V permits*, the total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis:
 - (1) Volatile organic compound (VOC) emissions shall not equal or exceed 90 tons per twelve (12) consecutive month basis;
 - (2) Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and
 - (3) Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.
 - b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

- a. Calculate annual source-wide emissions from all emission units specified in paragraph (2) below for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January). The monthly compliance demonstration shall include, at a minimum, the following:
 - (1) The monthly and consecutive 12-month throughput of each fuel and/or product at each emission unit specified in paragraph (2) below.
 - (2) The monthly and consecutive 12-month VOC, individual HAP, and combined HAP emission rates from the entire source.

All emission calculations shall be based on standard USEPA methodology (i.e.: the most current TANKS program for tanks, AP-42 emissions factors for material loading, current USEPA Protocol for Equipment Leak Estimates, e.g., EPA 453/R-95-017, appropriately summing the product of the weight percent of each HAP in the organic material emissions for each organic material emissions attributed to the storage and handling of that liquid, etc.). The facility may use the maximum potential emissions from an individual unit each month, instead of calculating actual emissions from that unit.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

- b. Demonstration of compliance with the source-wide emission limitations in paragraph **3.a.** above, shall also serve as the demonstration of compliance with the air toxic limitation in paragraph **3.b.**, above.
4. **Source Recordkeeping Requirements:**

Actual VOC and HAP emissions from each emission point shall be determined and recorded on a monthly basis in accordance with **Source Emission Limitations 3, Compliance Demonstration Method**. The permittee shall maintain records onsite such that they are readily accessible.
5. **Source Reporting Requirements:**

The permittee shall submit to the Division's Ashland Regional Office in accordance with **Sections F.5 and F.6** a summary report of the results of VOC and HAP emission calculations required in accordance with **3. Source Emission Limitations**.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
Ashland Regional Office
1550 Wolohan Drive, Suite 1,
Ashland, KY 41102

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, in accordance with the terms and conditions of this permit.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the final permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. Testing Requirements

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
 - (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
 - b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS (CONTINUED)

None

SECTION I - COMPLIANCE SCHEDULE

None